

## LOCAL BANKRUPTCY RULE 9013-1

### **MOTIONS (EXCEPT REJECTION OF COLLECTIVE BARGAINING AGREEMENTS)**

#### **(a) GENERAL REQUIREMENTS**

- (1) Applicability. The provisions of this rule shall apply to motions, orders to show cause, and all other proceedings except a trial on the merits (all such being included within the term “motion” as used herein) unless otherwise ordered by the court as provided by statute, the F.R.Civ.P., the F.R.B.P. or the Local Bankruptcy Rules. This rule does not apply to Motions for Rejection of Collective Bargaining Agreements, which are governed by 11 U.S.C. § 1113.
- (2) Motion Days. Unless the judge schedules a regular law and motion day, hearings on any motions may be noticed only with approval of the judge or courtroom deputy or with the judge’s self-calendaring system, if any.

*See also Local Bankruptcy Rule 2002-2: NOTICE TO UNITED STATES OR FEDERAL AGENCIES.*

- (3) Computation of Time. All times shall be computed in conformity with F.R.B.P. 9006(a). A party filing any document in support of, or in opposition to, any motion noticed for hearing as above provided, after the time for filing the same shall have expired, may be subject to the sanctions listed in Local Bankruptcy Rule 1002-2. Unless otherwise stated, the deadlines for filing oppositions, replies, responses or any other pleadings shall be calculated counting back from the date of the deadline, not including the actual deadline. If the deadline falls on a weekend or holiday, the filing shall be made on the previous court day.
- (4) Filing; Date and Time for Hearing; Points and Authorities.
  - (A) Unless otherwise provided by rule or order of the court, no oral motions will be recognized except during trial.
  - (B) Every motion shall be accompanied by written notice of motion, specifying, if applicable, the date, time, and place of hearing.

- (C) There shall be served and filed with the motion and as a part thereof:
- (i) Duly authenticated copies of all photographs and documentary evidence which the moving party intends to submit in support of the motion, in addition to the declarations required or permitted by F.R.B.P. 9006(d); and
  - (ii) A brief, but complete, written statement of all reasons in support thereof, together with a memorandum of the points and authorities upon which the moving party will rely. Unless warranted by special circumstances of the motion, or otherwise ordered by the court, points and authorities are not usually required for applications to retain or compensate professionals or relief from automatic stay motions.
- (5) Motions for Relief From Automatic Stay. Motions for relief from the automatic stay shall be made only by using those forms designated for mandatory use in the 350 series of the court-approved forms. Failure to use the mandatory forms may result in the denial of the motion or the imposition of monetary or other sanctions in the judge's discretion. The moving party shall serve notice of the motion and all supporting papers on the proper responding parties as set forth below.
- (A) Residential Unlawful Detainer Motions. For motions for relief from stay to proceed with unlawful detainer actions involving residential properties with month-to-month tenancies, tenancies at will or tenancies terminated by unlawful detainer judgment ("unlawful detainer cases"), only the debtor needs to be named and only the debtor and debtor's attorney need to be served.
  - (B) Other Relief from Stay Motions. The debtor and debtor's attorney, if any, shall be served with all motions. In all cases in which a trustee has been appointed (except in residential unlawful detainer cases under subsection (a)(4)(5)(A) above), the trustee or interim trustee shall be named and served as a responding party. Notice shall be given to other parties as required by F.R.B.P. 4001.

***See also Local Bankruptcy Rule 1002-1(d)(9): FORM OF PAPERS FILED WITH COURT, PAPERS PRESENTED TO THE COURT - FORM AND FORMAT, Mandatory Relief From Stay Forms and Adversary Proceeding Captions.***

- (6) Time Limits for Service and Filing of Motions.
- (A) Except for motions under Local Bankruptcy Rules 9013-1(c), 2016-1(a)(2), and 9075-1, any motion and notice thereof shall be served upon the adverse party (by serving that party's attorney of record, if any; or **if the adverse party is the debtor, by serving the debtor and the debtor's attorney, if any; or** the interested parties, if there is no attorney of record).
  - (B) **Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, S**service of the notice of motion and motion shall be made by deposit in the mail, **by express delivery** or by personal service. If mailed, the notice of motion and motion shall be served not later than 24 days before the hearing date designated in the notice. **If served by express delivery, the notice of motion and motion shall be served so that they are received not later than 21 days before the hearing date designated in the notice.** If served personally, the notice of motion and motion shall be served not later than 21 days before the hearing date designated in the notice. The notice of motion and all moving papers in support thereof shall be filed with the court not less than 20 days prior to the hearing date for which the matter is noticed. The court, for good cause, may prescribe a different time.
  - (C) Except **as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, or** as otherwise ordered, the moving papers shall advise the opposing party that Local Bankruptcy Rule 9013-1(a)(7) requires a formal response at least 14 days before the hearing. If the motion is being heard on shortened notice pursuant to Local Bankruptcy Rule 9075-1, the notice shall specify the deadline for responses set by the court in approving the shortened notice.
- (7) Opposition/Joinders/Responses to Motions. **Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, or** ~~U~~nless otherwise ordered by the court, each interested party opposing, joining, or responding to the motion shall file and serve not later than 14 days before the date designated for hearing either:
- (A) A brief but complete written statement of all reasons in opposition thereto or in support or joinder thereof, and answering memorandum of points and authorities, declarations and copies of all photographs and documentary evidence on which the responding party intends to rely. The opposing papers shall advise the adverse party that any reply to the opposition shall be filed with the court and served on the opposing party not later than 7 calendar days

(not excluding Saturdays, Sundays, and legal holidays) prior to the hearing on the motion; or

(B) A written statement that the motion will not be opposed.

- (8) Reply Papers. **Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication,** ~~T~~the moving party (or the opposing party in instances where a joinder has been filed) may file and serve a reply memorandum not later than 7 calendar days (not excluding Saturdays, Sundays and legal holidays) before the date designated for hearing.

The reply memorandum and declarations or other evidence attached, shall directly respond to the opposition papers. Service of reply papers on opposing parties shall be made by personal service or by overnight mail delivery service. A courtesy copy shall be delivered directly to the judge's chambers. Unless the court finds good cause, reply papers not filed or served as provided above will not be considered.

- (9) Extension of Time Due to Continuance of Hearing Date. Unless an order for continuance shall specify otherwise, a continuance of the hearing of a motion automatically extends the time for filing and serving opposing papers and reply papers.
- (10) Continuation By Stipulation (Automatic Stay). A stipulation by the moving party to continue a hearing under 11 U.S.C. § 362(d) to a later date shall be deemed a waiver of the applicable portions of § 362(e) until the conclusion of the hearing on such later date. Unless otherwise ordered, an order by the court to continue a hearing under § 362 to a later date shall be deemed to include an order continuing the stay in effect until the conclusion of the hearing on such later date.

***See also Local Bankruptcy Rule 1002-1(k): FORM OF PAPERS FILED WITH COURT, STIPULATIONS REGARDING PROGRESS OF CASE OR PROCEEDING.***

- (11) Failure to File Required Papers. Papers not timely filed and served may be deemed by the court to be consent to the granting or denial of the motion, as the case may be.
- (12) Proof of Service. Every paper filed pursuant to this Local Bankruptcy Rule shall be accompanied by a proof of service in the form specified in Local Bankruptcy Rule 7004-1(b).

(13) Evidence on Motions.

Factual contentions involved in any motion or opposition to a motion shall be presented, heard, and determined upon declarations and other written evidence. Verifications of motions are not sufficient to constitute evidence on a motion, unless otherwise ordered by the court.

- (A) The court may, at its discretion, in addition to or in lieu of declaratory evidence, require or allow oral examination of any declarant or any other witness in accordance with F.R.B.P. 9017. When the court intends to take such testimony, it will give the parties 2 court days notice of its intention, if possible, or may grant such a continuance as it may deem appropriate.
- (B) Evidentiary objections shall (i) be set forth in a separate document, (ii) cite the specific Federal Rule of Evidence upon which the objection is based, and (iii) be filed with the responsive or reply Papers or may be deemed waived.
- (C) In lieu of oral testimony, declarations under penalty of perjury will be received into evidence.
- (D) Unless the court orders otherwise, witnesses need not be present at the first hearing on the motion.
- (E) If the court decides to hear oral testimony, the matter will be continued to another date for final hearing.

(14) Appearance at Hearing. Counsel for the moving party and for the opposing party shall be present on the hearing date and shall have such familiarity with the case as to permit informed discussion and argument of the motion. Failure of any counsel to appear, unless excused by the court in advance, may be deemed consent to a ruling upon the motion adverse to that counsel's position.

Counsel may with the consent of the court waive personal appearance at the hearing. Counsel who have agreed to waive personal appearance shall advise the courtroom deputy of such agreement by telephone message or letter which reaches the courtroom deputy by no later than noon on the third court day preceding the hearing date. The courtroom deputy shall advise the parties by no later than noon on the court day preceding the hearing date as to whether the court has consented to the waiver of personal appearance.

If the court decides in its discretion to dispense with oral argument on any motion, the courtroom deputy will attempt to give counsel notice of the court's intention to do so at least 24 hours prior to the hearing date and time.

- (15) Telephonic Appearance at Hearing. Upon request of a party and with prior court approval, parties may appear telephonically. Such request shall be made to the courtroom deputy by telephone message no later than noon on the third court day preceding the hearing date. The courtroom deputy shall advise the requesting parties no later than noon on the court day preceding the hearing date as to whether the court has consented to telephonic appearance. If the court decides in its discretion to permit telephonic appearances, the courtroom deputy shall advise the parties of the court's procedure for appearing telephonically and shall assign responsibility for teleconferencing in other parties, if necessary.
- (16) Notice of Withdrawal of Motion or Lack of Opposition. Any party who seeks either to withdraw a motion or to state its lack of opposition to a motion shall, not less than 2 court days in advance of any day fixed for the hearing, so notify by telephone: (A) opposing counsel, and (B) the courtroom deputy of the judge before whom the matter is pending and shall also file a notice thereof with the court. An order is not required. Motions for continuances are governed by Local Bankruptcy Rule 9013-1(f).

**(b) DISMISSAL OR SUSPENSION OF CASE**

A motion by the debtor to dismiss or suspend a case under 11 U.S.C. §§ 301 or 302 or a motion by creditors or the debtor to dismiss or suspend an involuntary case filed under 11 U.S.C. § 303 shall be supported by a declaration setting forth the reasons for the request for dismissal or suspension. The motion shall fully disclose any arrangement or agreement between the debtor and creditors or any other person in connection with the motion for dismissal or suspension.

The court may condition the dismissal upon payment of fees and expenses, including quarterly fees due the Office of the United States trustee, as warranted.

***See also Local Bankruptcy Rule 1017-2: DENIAL OR DISMISSAL FOR WANT OF PROSECUTION.***

**(c) DISCOVERY**

For any dispute which may arise under F.R.B.P. 7026-7037 or F.R.B.P. 2004, counsel shall comply with all portions of this subsection of the Local Bankruptcy Rules unless excused from doing so by order of the court for good cause shown.

- (1) Meeting of Counsel. Prior to the filing of any motion relating to discovery, counsel for the parties shall meet in person or by telephone in a good faith effort to resolve the discovery dispute. It shall be the responsibility of counsel for the moving party to arrange for the conference. Unless altered by agreement of the parties or by order of the court upon good cause shown, counsel for the opposing party shall meet with counsel for the moving party within 10 days of service upon counsel of a letter requesting such meeting and specifying the terms of the discovery order to be sought.

- (2) Moving Papers. If counsel are unable to settle their differences, the party seeking discovery shall file and serve a notice of motion together with a written stipulation. This written stipulation shall be formulated by the parties and shall specify, separately and with particularity, each issue that remains to be determined at the hearing and the contentions and points and authorities of each party as to each issue. The stipulation shall be set forth in 1 document which shall contain all such issues in dispute and the contentions and points and authorities of each party. The stipulation shall not refer the court to other documents to describe the dispute. For example, if the sufficiency of an answer to an interrogatory is in issue, the stipulation shall contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions, separately stated. In the absence of such stipulation or a declaration of counsel of noncooperation by the opposing party, the court will not consider any discovery motion. ~~The motion shall be heard no earlier than 10 days after the filing of the motion.~~

- ~~(3) Supplemental Memoranda. Each party may file and serve a supplemental memorandum of law no later than 4 court days prior to the hearing date. Unless otherwise ordered by the court, a supplemental memorandum shall not exceed 5 pages in length.~~

- ~~(4)~~(3) Cooperation of Counsel - Sanctions. The failure of any counsel to cooperate in such procedures and to attend the meeting of counsel or to provide the moving party the information necessary to prepare the stipulation required by this Local Bankruptcy Rule within 7 days of the meeting of counsel shall result in the imposition of sanctions, including but not limited to the sanctions provided in Local Bankruptcy Rule 1002-2 and F.R.B.P. 7037.

(d) **ORDERS PREVIOUSLY DENIED OR REFUSED**

Whenever any motion for an order or other relief has been made to the court and has been denied in whole or in part, or has been granted conditionally or on terms, and a subsequent motion is made for the same relief in whole or in part upon the same or any allegedly different state of facts, it shall be the continuing duty of each party and attorney seeking such relief to present to the judge to whom any subsequent motion is made, a declaration of a party or witness or certified statement of an attorney setting forth the material facts and circumstances surrounding each prior instance including, inter alia:

- (1) When and to what judge the motion was made;
- (2) What ruling or decision or order was made thereon; and
- (3) What new or different facts and circumstances are claimed to exist which did not exist, or were not shown, upon such prior motion.



For failure to comply with the foregoing requirements of this rule, any ruling or decision or order made on such subsequent instance may be set aside sua sponte or on ex parte motion, and the offending party or attorney may be subject to sanctions.

(e) **SUMMARY JUDGMENT OR PARTIAL SUMMARY ADJUDICATION**

**A notice of motion and motion for summary judgment or partial summary adjudication pursuant to F.R.B.P. 7056 shall be served and filed no later than 35 calendar days prior to the date of the hearing on the motion.** There shall be served and lodged with each ~~notice of motion and~~ motion for summary judgment or partial summary adjudication ~~pursuant to F.R.B.P. 7056~~ a proposed statement of uncontroverted facts and conclusions of law, and a separate proposed summary judgment. Such proposed statement shall state the material facts as to which the moving party contends there is no genuine issue and shall reference each fact to the evidence that supports it.

Any party who opposes the motion shall, not later than **21 7** calendar days ~~(not-excluding Saturdays, Sundays and legal holidays)~~ before the hearing on the motion, serve and file a separate concise “statement of genuine issues” with responding papers setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated, and referencing each fact to the evidence which establishes the genuine issue to be litigated.

**Any reply by the moving party shall be served and filed no later than 14 10 calendar days before the hearing on the motion.**

In determining any motion for summary judgment **or partial summary adjudication**, the court may assume that the material facts as claimed and adequately supported by the moving party are admitted to exist without controversy except to the extent that such facts are (1) included in the “statement of genuine issues” and (2) ~~are~~ controverted by declaration or other evidence filed in opposition to the motion.

(f) **CONTINUANCES**

- (1) Motion for Continuance. Unless otherwise ordered, any motion for the continuance of any hearing shall be filed with the court and personally served upon all previously noticed parties at least 2 court days before the day set for the hearing. An order shortening time for hearing on the motion for continuance is not required if set for the same time as the original hearing. The motion shall set forth in detail the reasons therefor and shall state whether any continuance has been previously granted.
- (2) Stipulations For Continuances. As soon as parties agree that a stipulation for the continuance of a hearing, pretrial conference, trial or other matter is to be submitted for approval of the court, they shall immediately notify the courtroom deputy of their agreement, which shall be subject to approval by the court as required in subparagraph (3) below. Unless the continuance is approved by the court at least 1 court day before the hearing, the parties shall appear.



- (3) Court Approval. No continuance (whether stipulated to by counsel or not) shall be effective unless the court announces it in open court or approves it in writing or the court informs the parties that the judge has authorized a continuance.

**(g) MOTIONS AND MATTERS NOT REQUIRING A HEARING**

- (1) Matters That May Be Determined Upon Notice and Opportunity to Request Hearing. (OPTIONAL PROCEDURE) Upon not less than 15 days notice to such creditors and interested parties who are entitled to notice of the particular matter, orders may be obtained on the following types of motions without a hearing unless one is specifically requested by filing and serving a written response that complies with Local Bankruptcy Rule 9013-1(a)(7) and request for hearing within 15 days of the date of service of the notice:
- (A) Motions to use, sell or lease property under 11 U.S.C. § 363(b)(1), except for sale of all or substantially all of the debtor's assets.
  - (B) Motions to abandon property of the estate under 11 U.S.C. § 554, including motions to compel abandonment of property of the estate filed by individual debtors in chapter 7 cases who are seeking to refinance or sell exempt property.
  - (C) Motions to extend exclusivity period under 11 U.S.C. § 1121(d).
  - (D) Motions to assume executory contracts or leases under 11 U.S.C. § 365, if the other parties to the contract or lease stipulate to the assumption.
  - (E) Motions under 11 U.S.C. § 365 to reject executory contracts or leases, except collective bargaining agreements under 11 U.S.C. § 1113.
  - (F) Motions to avoid liens under 11 U.S.C. § 522(f).
  - (G) Applications to pay real estate broker's commissions in connection with sales of real property, or auctioneer's commissions in connection with sales of personal property.
  - (H) Motions to establish a deadline for filing of proofs of claim or interests, provided that the proposed bar date allows at least 60 days notice for filing claims.
  - (I) Motions to approve a stipulation or agreement requiring notice pursuant to F.R.B.P. 4001(d), including an agreement to modify or terminate the automatic stay or to provide adequate protection.

*See also Local Bankruptcy Rule 4001-1: NOTICE OF MOTIONS FOR RELIEF FROM STAY and Local Bankruptcy Rule 4001-2: CASH COLLATERAL STIPULATIONS.*

- (J) Motions pursuant to Local Bankruptcy Rule 9021-1(e) to amend or correct an order previously entered by the court.
- (K) Motions requesting reassignment or consolidation of related bankruptcy cases or adversary proceedings under Local Bankruptcy Rule 1073-1.
- (L) Objections to claim only on grounds that the claim was (i) filed after the bar date, (ii) improperly included on the claims register due to clerk's office error, or (iii) duplicative. The evidentiary and format requirements of Local Bankruptcy Rule 3007-1 apply.

*See also Local Bankruptcy Rule 3007-1: OBJECTIONS TO CLAIMS.*

- (M) Motions to approve compromise pursuant to F.R.B.P. 9019.
- (N) Other motions. The court may determine other motions using this procedure provided that the motion specifies why this procedure is appropriate under 11 U.S.C. § 102(1)(B) given the facts of the case.

The moving papers shall advise the opposing party that Local Bankruptcy Rule 9013-1(g)(1) requires that any response and request for hearing shall be filed and served within 15 days of the date of the notice.

No Response and Request for Hearing. If the response period expires without the filing of any response and request for hearing, the moving party shall promptly lodge a proposed order, unless none is required under the Bankruptcy Code and the requirements of Local Bankruptcy Rule 6004-1 are satisfied. **At the same time as the proposed order is lodged (and preferably rubber-banded or clipped to the order),** the moving party shall also file a declaration attesting that no response and request for hearing was served upon the moving party, to which declaration shall be appended (as exhibits) copies of the motion, notice and proof of service of the notice and motion. The proposed order and declaration need only to be served on the United States trustee. No other service before filing and lodging is required. These papers shall be accompanied by the necessary copies of the notice of entry for the order, together with the requisite addressed, stamped envelopes. The notices of entry shall provide for service on the debtor, any trustee, any committee appointed in the case, the United States trustee, any party whose interest in real or personal property is directly affected by the motion, counsel for any of the foregoing, and any parties that had requested special notice.

Response and Request for Hearing Filed. If a timely response and request for hearing is filed and served, the moving party shall schedule and give not less than 11 days notice of a hearing to those responding and to the United States trustee. Within 20 days from the date of service of a response and request for hearing, the movant shall contact the court and obtain and give notice of a hearing date. If movant fails to obtain a hearing date, the court may deny the motion without prejudice, without further notice or hearing. Briefs are generally not required for these motions.

**(h) WITHDRAWAL OF REFERENCE**

Motions for withdrawal of reference of a case or proceeding shall comply with Local Rule 6.1, Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

*See also Local Bankruptcy Rule 9015-2(g): **DEMAND FOR JURY TRIAL, MOTION FOR WITHDRAWAL OF REFERENCE.***

**(i) FORM OF DEBTOR'S MOTIONS TO AVOID LIEN OR TRANSFER OF EXEMPT PROPERTY**

A proceeding by a debtor to avoid a lien or other transfer of property pursuant to 11 U.S.C. § 522(f) may be brought by motion pursuant to Local Bankruptcy Rules 9013-1(a), 9013-1(g) or 9075-1, as appropriate. The title of the motion shall identify the creditor whose lien is to be avoided (e.g., Motion to Avoid Lien of XYZ Co. under 11 U.S.C. § 522[f]). Double captions shall not be used, nor will separate reference numbers be assigned. The motion shall be accompanied by a declaration or other competent evidence showing the loan, the balance remaining on the loan, the identification and fair market value of the property upon which the lien has attached, the value claimed exempt, the specific statutory authority for the claimed exemption, and the nature and amount of any other liens against the property. If the motion seeks to avoid a lien on real property, both the motion and the order shall set forth the legal description of the real property at issue. All other proceedings to avoid a lien except those under 11 U.S.C. § 522(f) shall be brought by adversary proceeding. A motion to sell free and clear of liens does not constitute a “proceeding to avoid a lien” within the meaning of this rule and may be brought by motion.

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Court's Comment

2001 Revision

Paragraph (a)(6)(A) was revised to resolve a conflict with Bankruptcy Rule 7004(b)(9).

Paragraph (a)(6)(B) Time Limits for Service and Filing of Motions. The first sentence was amended as follows: *Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication....* was added to the first sentence and notice service options were increased by the addition of *by express delivery* to the list of service options. The following sentence was added as the third sentence of this paragraph: *If served by express delivery, the notice of motion and motion shall be served so that they are received not later than 21 days before the hearing date designated in the notice.*

Paragraph(a)(6)(C) Time Limits for Service and Filing of Motions. The first sentence was amended as follows: *Except as ~~otherwise ordered~~ set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication, or as otherwise ordered,...* was added to the first sentence.

Paragraph (a)(7) Opposition/Joinders/Responses to Motions. The first sentence was amended as follows: *Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication,....* was added to the first sentence.

Paragraph (a)(8) Reply Papers. The first sentence was amended as follows: *Except as set forth in Local Bankruptcy Rule 9013-1(e) with regard to motions for summary judgment or partial summary adjudication,....* was added to the first sentence.

Paragraph (c)(2) - The last sentence *"The motion shall be heard no earlier than 10 days after the filing of the motion."* was deleted because it is contemplated that discovery motions will be heard on regular notice unless the moving party obtains an order shortening time.

Paragraph (c)(3) was struck because it is contemplated that the time requirements set forth in Local Bankruptcy Rule 9013-1(a)(6), (7), and (8) will apply with respect to discovery motions.

Paragraph (c)(4) was renumbered to become (c)(3).

Paragraph (e) SUMMARY JUDGMENT OR PARTIAL SUMMARY ADJUDICATION. The first sentence of the first paragraph was amended by the addition of of the sentence: *A notice of motion and motion for summary judgment or partial summary adjudication pursuant to F.R.B.P. 7056 shall be served and filed no later than 35 calendar days prior to the date of the hearing on the motion.* The second sentence was revised by the deletion of *notice of motion and* and *pursuant to F.R.B.P. 7056.*

In the second paragraph, the days available for filing oppositions were changed from *7 calendar days* to *21 calendar days* before the motion hearing and *(not excluding Saturdays, Sundays, and legal holidays)* was deleted.

The following new third paragraph was added: Any reply by the moving party shall be served and filed no later than ~~14~~ 10 calendar days before the hearing on the motion.

In the fourth paragraph, *or partial summary adjudication* was added after *summary judgment* in describing the motions to be determined and *are* was deleted from *are controverted....*

#### 1998 Revision

Paragraphs (a) through (a)(4) from former Local Bankruptcy Rule 111(1)(a)-(c) and (e).

Paragraph (a)(1) Applicability. Reference to *Motions for Relief from the Automatic Stay or Co-debtor Stay* in last sentence of former Local Bankruptcy Rule 111(1)(a) deleted as no longer applicable.

Paragraph (a)(2) Motion Days. Reference to *judge's self-calendaring system* added to procedure for noticing of hearings. Cross-reference to Local Bankruptcy Rule 2002-2 added. *For any time* replaced by *only* in first sentence. Last sentence of former Local Bankruptcy Rule 111(1)(b) deleted as inconsistent with self-calendaring system.

Paragraph (a)(3) Computation of Time. Two sentences commencing with *Unless otherwise stated*, added at the end of the paragraph, to clarify filing time when deadlines fall on a weekend or holidays. *Should* changed to *shall* in the last two sentences of the paragraph.

Paragraph (a)(4) of former Local Bankruptcy Rule 111 deleted.

Paragraph (a)(4) Filing; Date and Time for Hearing; Points and Authorities. *Date and* and *Points and Authorities* added to title line; *and Content of Papers Filed* deleted from title line. The first two sentences of former Local Bankruptcy Rule (1)(e) numbered as (A) and (B), respectively; *if applicable* inserted after *specifying*, and *date* added in subsection (B). Subsections (C)(i) and (ii) -- former Local Bankruptcy Rule 112(3)(a)(i) and the first sentence of Local Bankruptcy Rule 112(3)(a)(ii) -- added here. Text beginning with *together with* and continuing through the remainder of subsection (C)(ii) added.

Paragraph (a)(5)(A) and (B) Motions for Relief From Automatic Stay. Former Local Bankruptcy Rule 112(1) (a) and (b). Paragraph title changed from NOTICE REQUIREMENTS. First sentence of former Local Bankruptcy Rule deleted, and new first and second sentences added. Cross-reference to Local Bankruptcy Rule 1002-1(d)(9) added.

Paragraph (a)(5)(B) Other Relief from Stay Motions. *In all cases* replaced by *with all motions*.

Paragraph (a)(6) Time Limits for Service and Filing of Motions. Former Local Bankruptcy Rule 111(1)(f).

Paragraph (a)(6)(A) *2016-1(a)(2), and 9075-1* added in first sentence; *if there is no attorney of record, then by serving the interested parties* changed to *or the interested parties, if there is no attorney of record* in the parenthetical; remainder of the first sentence after the parenthetical deleted. Remainder of first paragraph and second paragraph of former Local Bankruptcy Rule 111(1)(f) deleted.

Paragraph (a)(6)(B) New paragraph.

Paragraph (a)(6)(C) *Except as otherwise ordered*, added to the first sentence; *11 days* changed to *14 days* in first sentence; *unless the motion is being heard on shortened notice pursuant to Local Bankruptcy Rule 113, in which case the notice must* changed to *If the motion is being heard on shortened notice pursuant to Local Bankruptcy Rule 9075-1, the notice shall*.

Paragraph (a)(7) Opposition/Joinders/Responses to Motions. Former Local Bankruptcy Rule 111(1)(g). *Opposition/Joinders* added to the subsection heading; first sentence rewritten to include joinders and to change time period from 11 days to 14 days.

Paragraph (a)(7)(A). *4 court days* changed to *7 calendar days (not excluding Saturdays, Sundays, and legal holidays)* in last sentence.

Paragraph (a)(7)(B). The first sentence only retained.

Paragraph (a)(8) Reply Papers. Former Local Bankruptcy Rule 111(1)(h). First sentence of former Local Bankruptcy Rule 111(1)(h) rewritten as first 2 sentences of this paragraph; time period changed from 2 court days to 7 calendar days (not excluding Saturdays, Sundays, and legal holidays); *should* changed to *shall* in fourth sentence; *law clerk* changed to *chambers* in fourth sentence; all references to Santa Barbara deleted.

Paragraph (a)(9) Extension of Time Due to Continuance of Hearing Date. Former Local Bankruptcy Rule 111(1)(I). *The entry of an order continuing* replaced by *a continuance of*.

Paragraph (a)(10) Continuation By Stipulation (Automatic Stay). Former Local Bankruptcy Rule 112(5). Cross-reference added.

Paragraph (a)(11) Failure to File Required Papers. Former Local Bankruptcy Rule 111(1)(j).

Paragraph (a)(12) Proof of Service. New paragraph.

Paragraph (a)(13) Evidence on Motions. A combination of former Local Bankruptcy Rules 111(1)(k) and 112(3)(a)(b) and (c). In the last paragraph, *is not required if official forms are used* was added after *A statement of indebtedness*.

Paragraph (a)(14) Appearance at Hearing. Former Local Bankruptcy Rule 111(1)(l).

Paragraph (a)(15) Telephonic Appearance at Hearing. New rule.

Paragraph (a)(16) Notice of Withdrawal of Motion or Lack of Opposition. Former Local Bankruptcy Rule 111(1)(m). *by telephone* added after *notify* in first sentence; in (B) *and shall also file a notice thereof with the court. An Order is not required.* added after *pending* and before last sentence.

Paragraph (b) DISMISSAL OR SUSPENSION OF CASE. Former Local Bankruptcy Rule 111(2). Cross-reference to Local Bankruptcy Rule 1017-2 added.

Paragraph (c) DISCOVERY. Former Local Bankruptcy Rule 111(3). MOTIONS deleted after DISCOVERY.

Paragraph (c)(1) and (2): 11 days changed to 10 days.

Paragraph (e) SUMMARY JUDGMENT OR PARTIAL SUMMARY ADJUDICATION. Former Local Bankruptcy Rule 111(5). *FOR* deleted before *PARTIAL*. *11 days* changed to *7 calendar days (not excluding Saturdays, Sundays, and legal holidays)* in first sentence of second subparagraph.

Former Local Bankruptcy Rule 111(6) PRELIMINARY INJUNCTIONS moved to 7065-1.

Paragraph (f) CONTINUANCES. Former Local Bankruptcy Rule 114(1) (a), (b), and (d) with the following modifications: paragraph (b) - *must* changed to *shall*; (d) - *courtroom deputy* changed to *court* and *the requested continuance* changed to *a continuance*.

Paragraph (g) MOTIONS AND MATTERS NOT REQUIRING A HEARING. Former Local Bankruptcy Rule 111(7).

Paragraph (g)(1). Matters That May be Determined upon Notice and Opportunity to Request Hearing. *20 days* changed to *15* in two places.

Paragraph (g)(1)(I). *Or* added between *automatic stay* and *to provide adequate protection*; text after *adequate protection* deleted. Cross-references to Local Bankruptcy Rules 4001-1 and 4001-2 added.

Paragraph (g)(1)(L). Cross-references to Local Bankruptcy Rule 3007 added.



Paragraph (g)(1)(M). New subsection added re motions to approve compromise pursuant to F.R.B.P. 9019.

Paragraph (g)(1)(N). *20 days* changed to *15 days*.

Paragraph (7)(b) Conversions Upon Debtor's First Request. moved to 1017-1.

Paragraph (7)(c) Motions for Examination Under F.R.B.P. Rule 2004. moved to 2004-1.

Paragraph (7)(d) Applications to Retain Professionals. moved to 2014-1.

Paragraph (7)(e) Extension of Time to File Schedules and Statement of Affairs. moved to 1007-1.

Former Local Bankruptcy Rule 111(8) PENALTIES moved to 9011-1.

Former Local Bankruptcy Rule 111(9) HEARINGS ON REAFFIRMATION AGREEMENTS moved to 4008-1.

Paragraph (h) WITHDRAWAL OF REFERENCE. Former Local Bankruptcy Rule 111(10). *MOTIONS FOR* deleted from heading. Cross-reference to Local Bankruptcy Rule 9015-2(g) added. Rule amended to incorporate by reference proposed district court Local Rule 6.1, Chapter VI, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings.

Former Local Bankruptcy Rule 111(11) NOTICES OF REMOVAL moved to 9027-1.

Former Local Bankruptcy Rule 111(12) MOTIONS FOR ORDERS TO SHOW CAUSE FOR CONTEMPT moved to 9020-1.

Former Local Bankruptcy Rule 111(14) MOTIONS TO REOPEN CASE moved to 5010-1.

Former Local Bankruptcy Rule 111(15) OBJECTIONS TO CLAIMS moved to 3007-1.

Former Local Bankruptcy Rule 111(16) MOTIONS TO CONVERT CASE moved to 1017-1.